

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James W. Overbeck

Examiner: T. Q. Nguyen

Serial No: 10/034,620

Group Art Unit: 2872

Filing Date: December 27, 2001

Title: **Wide Field of View and High
Speed Scanning Microscopy**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Examiner Nguyen:

In reply to the Office Action mailed March 6, 2007, Applicant respectfully requests reconsideration of the pending rejections and reexamination of the present application in view of the following remarks.

The Examiner has rejected claims 62-71 and 91-97 under the judicially created doctrine of obviousness-type double patenting over Overbeck U.S. Patent No. 6,201,639 (the '639 patent) in view of Alexay. In the previous Response dated February 16, 2007, Applicant provided a Terminal Disclaimer over the '639 patent, but received a further Office Action mailed March 6, 2007, which indicated that the Terminal Disclaimer had not been approved. At that point, Applicant discovered that the assignment had not yet been formally executed or recorded for the current application.

The assignment for U.S. Patent No. 6,335,824, from which the current application is a direct continuation, has since been executed and recorded, and a copy of the

assignment is provided with this response. Applicant now shows that the current application is co-owned with the '639 patent and respectfully requests that the Examiner reconsider and withdraw the rejection.

Additionally, Applicant hereby provides a newly executed Terminal Disclaimer for the current application even though it is not considered to be necessary. Applicant also believes that a new fee is not necessary, however, authorizes the PTO to charge an additional fee for the Disclaimer with the language below.

CONCLUSION

Applicant believes all pending claims are now in condition for allowance. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at 408 731 5021.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By /Philip L. McGarrigle/

Philip L. McGarrigle – Reg. 31,395

Date: July 2, 2007

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